

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

EMPRESS OF THE NORTH
JUNEAU, ALASKA

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* Docket No.: DCA-07-MM-015

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Interview of: KEVIN STAPLES

Empress of the North
Auke Bay, Alaska

Tuesday,
May 15, 2007

The above-captioned matter convened, pursuant to notice,
at 3:30 p.m.

BEFORE: MORGAN TURRELL

Free State Reporting, Inc.
(410) 974-0947

APPEARANCES:

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National Transportation Safety Board
Washington, D.C.

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17th District

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(410) 974-0947

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P R O C E E D I N G S

(3:30 p.m.)

MR. TURRELL: Okay, this is May 15th. We're on the Empress of the North. We're interviewing Kevin Staples, Deck Officer on board the ship at the time of the accident. My name is Morgan Turrell of the NTSB. It's about 3:30 in the afternoon. And to my left?

MR. CORBIJN: Nico Corbijn, from Majestic America Line.

MR. WILHELM: Mark Wilhelm, representing the witness.

MR. STAPLES: Kevin Staples, K-E-V-I-N S-T-A-P-L-E-S.

MR. STRAUCH: I'm Barry Strauch.

LT. BRIERLEY OSTRANDER: Lieutenant J.G. Brierley Ostrander, US Coast Guard, Sector Juneau.

MR. FARLEY: Tim Farley, US Coast Guard, Office of Investigations and Analysis.

MR. LARUE: Liam Larue, NTSB.

MR. WEBB: Paul Webb, the 17th Search and Rescue.

MR. PURSUIS: Kevin Pursuis (ph.), of the NTSB Office of Marine Safety.

INTERVIEW OF KEVIN STAPLES

BY MR. TURRELL:

Q. Okay, Kevin, could you tell me your civilian state of residence?

A. Coos Bay, Oregon.

1 Q. And how old are you?

2 A. Thirty-four.

3 Q. And what is your current occupation?

4 A. Second Mate for the Empress of the North.

5 Q. And how long have you worked for Majestic?

6 A. I started employment February 2nd.

7 Q. Say again?

8 A. February 2nd of this year.

9 Q. And can you tell a full general background, say,
10 starting from high school, just like little chapters of your
11 life, how you got here?

12 A. I graduated high school in Panama City, Florida, in
13 1991. I went to the U.S. Merchant Marine Academy, graduated
14 there in '95. Went into the Navy, I did a year on board the
15 U.S.S. Juneau, and then I went into DOD. I got out of the Navy
16 in '98, went -- I sailed with Maritime Limited (ph.) on their
17 LMSRs as Third Mate. I advanced to Second Mate with them, so I
18 was sailing on LMSRs almost my entire career. That's Large
19 Medium Speed Roll-On/Roll-Offs, they carry military supplies,
20 almost all entirely MSC contracts.

21 Q. Okay.

22 A. Then in 2000 -- after September 11th, I went back
23 into the Navy, I was recalled back into DOD work, DOD mission,
24 San Diego.

25 Q. Of 2001?

1 A. I'm sorry, pardon me, 2001. Then I got out of the
2 Navy, went back to sea --

3 Q. What year?

4 A. 2004. And stopped sailing, had a family, port to
5 shore, and then just recently returned from Iraq. I did a year
6 in Iraq doing (inaudible) global, and decided to come back to
7 work back on the seas.

8 Q. When did you return from Iraq?

9 A. October of last year.

10 Q. And your current Navy rank?

11 A. Lieutenant Commander.

12 Q. Okay. Could you tell me all about your training at
13 the U.S. Merchant Marine Academy, what courses you took,
14 licensed training --

15 A. I was a grain measure -- grain transportation.

16 Q. Okay.

17 A. (inaudible) and spent four years there -- or, three
18 years at school, one year was spent at sea on ocean-going
19 ships. I believe I was on five different vessels over the
20 course of that sea year.

21 Q. Okay. And simulator training?

22 A. Oh, yes. (inaudible) so -- professional handle
23 (inaudible).

24 Q. Bill Keork (ph.)?

25 A. Keork, thank you. I'm sorry.

1 Q. Okay. What were the training at this point? Bridge
2 watch standing?

3 A. DRM.

4 Q. DRM?

5 A. DRM, (inaudible), in March, then I had trenchstal
6 (ph.) navigation, plus some navigation.

7 Q. And how long, do you recall -- how long the simulator
8 course was?

9 A. It was one quarter, so ten weeks.

10 Q. And what were the -- what was the typical duty of
11 those ten weeks? How would they cycle through, and what kind
12 of responsibilities did you have?

13 A. Each week, it was only one period a week, so one one-
14 hour class a week, and you rotated watch standing. It worked
15 out for a simulator before you had doing charts, doing voyage
16 plan, getting your voyage ready probably took three or four
17 nights, it's admin and the bridge team together, got together,
18 did the charts, did the correction -- or, I'm sorry, not
19 corrections, but laying out the tracks for voyage plans. The
20 actual class was a cake walk compared to getting ready for the
21 class.

22 Q. And did that prepare you well for standing watch?

23 A. I believe it did. I was actually -- I graduated --
24 the only person in class who graduated above 95, so I was
25 pretty happy about that.

1 Q. Kevin, take us back to your role the day of the
2 accident. The day before the accident, must have been then the
3 13th.

4 Q. Yes, sir.

5 A. And tell us what you did when you woke up, what
6 (inaudible).

7 Q. Well, I came on watch at 8 am, and found out that
8 Michael Chase (ph.) had come down with a GI Illness, or what we
9 suspected -- he had gone down the night before, sick, so
10 Captain informed me that we were going to send him off to go
11 see a doctor, see if he actually did have GI Illness, so -- the
12 Captain informed me that I would be doing bridge tours. We
13 were in Skagway, which is normally a day that we're in port all
14 day. We do drills in the morning, and then it's pretty much
15 the only day that we have more than four hours of work. So
16 it's a great day to get things done. I spent the entire watch
17 doing chart corrections, because we had just gotten updated on
18 our chart corrections. We were looking at -- pardon me, excuse
19 me. We had finally been able to get our notice of mariners.
20 The last time we had was before lunch, so we were only missing
21 two weeks, so I got those all up to date for the Alaskan
22 waters. And that's what I spent my -- the majority of my watch
23 doing.

24 Q. Okay.

25 A. It's Marino, is that what it -- Marino?

1 Q. Uh-huh.

2 A. He was going to take over the watch at noon, but I
3 was going to do the bridge tours, so I ran out real quick to
4 get some Raven's Brew coffee, because that's -- that's a
5 favorite of mine. So I ran off the ship, grabbed some Raven's
6 Brew, ran back in time to do the bridge tours. They were both
7 -- one at 1:30, and the other one at 2:30. Did both bridge
8 tours. I believe Marino was there with me, for the American
9 bridge tours, but I was just paying attention to all the
10 passengers and their questions. And then as soon as it got
11 done, I ran back off the ship to get more Raven's Brew before
12 we could set sail.

13 (inaudible conversation)

14 A. It's -- it's -- it's -- the first time I came here
15 was in '92 on a tanker, and I've loved Raven's Brew ever since.
16 You got to get some.

17 Q. (inaudible)

18 A. No, it's (inaudible) bridge coffee. Came back on the
19 ship, went straight to bed. I don't know, that was probably
20 about 4:30, 4:30. I try to get to bed around 5:00 at least.

21 Q. Okay

22 A. Woke back up at 7:00 to grab a quick shower and a
23 bite to eat before I headed to the bridge, and I took the -- I
24 took the watch at 8:00. We were running -- we were just
25 finishing -- well, actually, we were just finishing up wiping

1 the fuel hull out, and I don't remember the exact name of the
2 point, but we were watching seals sea hunt. So we were just
3 basically holding in the water, watching the sea lions, not a
4 (inaudible), there on the side of the cliffs, and keeping the
5 passengers happy, and we saw whales and went off chasing whales
6 for a couple of hours.

7 (inaudible conversation)

8 A. We were looking for whales, whale sightings, so we --
9 that was pretty much the extent of it. We finally -- it
10 started getting dusk, dinner time, and brought the ship up to
11 speed, to 900 RPMs, and starting making ready for Glacier Bay.

12 Q. Do you recall (inaudible) --

13 A. Glacier Bay.

14 Q. So, do you recall what time it was when you took the
15 speed up to 900 RPMs, roughly what time it was then?

16 A. No. I can't make a -- I really didn't watch
17 (inaudible) -- probably around midway, it was maybe around
18 21:30, 22:00.

19 Q. Was it that dark?

20 A. It doesn't really get dark here until around 10:00,
21 11:00, so it was dusk. It was definitely twilight.

22 Q. Do you recognize this?

23 A. Yes, sir.

24 Q. And (inaudible) from the north here somewhere?

25 A. That's correct.

1 Q. And the area where you watched sea lions, is that on
2 the chart?

3 A. No. It's actually north of here.

4 Q. Okay. You were (inaudible) back up to 900 RPMs by
5 the time you got to this chart?

6 A. Yes. By this -- by this point, we had passed
7 (inaudible) lighthouse up here --

8 Q. What's the name of this section?

9 A. Sentinel Island, which is kind of scenic -- yes, so
10 we took the island and looked at -- watched the lighthouses
11 going by. At that point, I brought it up to 900 RPM, so in
12 that vicinity, as we were heading -- then we headed south, and
13 by that time, the passengers were at dinner and a show, so --
14 and there really was no more whale sightings after we passed
15 Sentinel Island.

16 Q. And those RPMs brought you to what speed?

17 A. In perfect waters, about 12 knots.

18 Q. And do you recall what the tidal missions, tides and
19 currents, whether they made --

20 A. Nominal. I didn't notice any set or drift.

21 Q. Do you normally make that as part of your routine,
22 knowing what the tides and currents are?

23 A. If you pay attention to the ship, yes, you can tell
24 if she's having hard time keeping track.

25 Q. Okay, so do you recall making a fix on this chart?

1 A. No. No. The -- this was northbound here, this fix
2 here, but I do know that I was (inaudible) with the island at
3 23:30.

4 Q. Okay.

5 A. My -- I had made a voyage plan up that we would use
6 for the rest of the trip -- or for the rest of the season, and
7 Point Wiki (ph.) would be its predominant feature, that, I let
8 the other mates know that, "Hey, for a normal schedule for this
9 voyage plan, we need to be at Point Wiki by 23:30."

10 Q. What's your normal watch fix routine for -- the fix
11 is on a different chart.

12 A. Generally, I'm looking for -- instead of doing an
13 hourly or a half-hour (inaudible) for ease of going back to the
14 track, and the captain's looking through the log book and is
15 trying to figure out what's going on (inaudible), predominant
16 feature (inaudible) we look for predominant features on the
17 chart, and we just range in -- range in bearings. A B in point
18 would be -- and that was I was using in the log book, instead
19 of right on the hour or half-hour. But generally, I usually do
20 hourly fixes, especially in open water like this.

21 Q. So the -- the hourly fixes you put on the chart and
22 in the log book?

23 A. That's correct. Yes.

24 Q. And besides those hourly fixes on the chart, are you
25 using anything other H-Navigation (ph.) up on the bridge?

1 Equipment to extra position in a continuous sense, radar, or
2 ECDIS, or --

3 A. Yes. I use -- I use the ECDIS, I use the Nobeltec, I
4 rely heavily on the Nobeltec, I'm also using the radars and the
5 Train Runner I.

6 Q. What type of P-shield (ph.) radar is used in parallel
7 indexing, or how are you --

8 A. I use the UBL quite a bit, so I know if I'm getting
9 (inaudible), steer nothing right of X degrees.

10 Q. How are you -- ok, so you were here at 23:30?

11 A. Yes.

12 Q. Yeah, I guess take us from that point.

13 A. Marino actually came up early, right -- right around
14 23:30. I do remember seeing him come up, it was like, "Hey,
15 this is cool," you know? So I do remember he came up to the
16 bridge early.

17 Q. Okay.

18 A. I showed him that if he followed the track lines,
19 he'd have no problem. He could either go south of Pud Rock
20 Island, or in the Nobeltec and on the ECDIS, it has us actually
21 going between -- a half-mile between land on the Snake River,
22 we have plenty of times where we're less than half a mile. Not
23 a big deal, so I didn't really think it was an issue. I told
24 him that he needed to go south of the island if he didn't feel
25 comfortable, or he could go right down through the channel

1 there.

2 Q. All right, what were his remarks?

3 A. He -- he didn't tell me what he was going to do,
4 either way. Just nodded his head.

5 Q. Okay.

6 A. Or affirmed that he understood.

7 Q. Any other information passed on?

8 A. I let him know that we were doing 900 RPMs. I told
9 him we would not have to adjust speed, because at the worst
10 case scenario, if he were to get to Point Adolphus earlier,
11 before we could pick up the rangers at Glacier Bay, that we
12 should wait. Point Adolphus is a great whale-viewing spot, so
13 if -- there's no -- there's no reason to slow down. We can get
14 there early, and passengers can have breakfast while watching
15 whales.

16 Q. Any other information passed on at the watch?

17 A. There were no contacts. The weather was beautiful,
18 calm and clear. And usually if we're on the autopilot, which I
19 know we were when I left the bridge, I give him the setting for
20 the degrees per minute that the gyro -- or the autopilot is set
21 at, let him know what speed setting it's at. The autopilot
22 steers depending on whether it's at a 5, 10, or 15 knots.
23 And --

24 Q. What was the setting? You told him the setting?

25 A. Yes. When I left, there would have been no reason to

1 have it at anything other than 10 degrees. At 12 knots, going
2 in a straight line, you can keep the degree -- rotation down at
3 10, 10, 10 degrees a minute.

4 Q. So the setting was at 10 degrees per minute when you
5 changed the watch?

6 A. Yes.

7 Q. And how long did this conversation take?

8 A. Ten minutes.

9 Q. And what time did he assume the watch from you?

10 A. He did assume it early, but it -- maybe 23:40.

11 Q. Did you have any conversations with the Third Mate,
12 with Marino, prior to him taking watch as to any questions or
13 doubts he may have had?

14 A. No.

15 Q. Did you have any conversations with him at all, about
16 anything?

17 A. Actually, I had just -- I mean, the only conversation
18 I had was that he was from San Francisco. I mean, he had just
19 moved into my room because Michael Chase had moved out to
20 quarantine him, and I hadn't even seen him in the room.

21 Q. The Captain's standing orders -- what are your --
22 what's your understand of watch procedures, taking fixes,
23 turning over the watch? Does the Captain have orders about
24 that?

25 A. I -- I've read the standing orders, but as far as --

1 it's more of a "no less than every hour" -- that's -- that's
2 just general seamanship, so if I actually read his orders, if
3 it was more, I would have taken notice.

4 Q. Did he write orders every night, or was it --

5 A. Night orders aren't -- aren't common, no. We do --
6 we do -- we had night orders last -- last voyage, one night,
7 but for the most part --

8 Q. So they're not specific to every (inaudible) -- just
9 in general -- How long have you worked with Captain Orgain?

10 A. Four months.

11 Q. So you worked on this ship -- is it the only ship
12 you've worked on of the company's, is that --

13 A. Yes, sir.

14 Q. MOAR, I've found this (inaudible) -- tell me, what
15 was the first -- you went down to bed, I assume you were
16 asleep.

17 A. Yes.

18 Q. What time do you go to sleep?

19 A. Generally, when I do the bridge, I'll go down and
20 have midrest, so there's usually a dining room staff is there
21 -- pardon me, it's just a time to socialize a little bit, and
22 so I may have spent a half-hour eating, midrest, and I lay down
23 and I read until I fall asleep. I may have been asleep maybe
24 1:00, 1:30. (inaudible) Oh, I'm sorry. But I know I wasn't
25 asleep that long when I got thrown out of the rack.

1 Q. You were thrown out of bed -- tell us, from there,
2 your activities after you got thrown out of bed.

3 A. Well, I was in my boxers, I came out into the hallway
4 -- well, first of all, step back a few minutes. At first, I
5 thought it was scraping ice, because when we go up to the
6 glaciers, the town is -- I had it literally at the water line,
7 and so when we go through the glaciers, or up to the glaciers,
8 the sound of ice going by is pretty loud, and that's kind of
9 what it sounded like. Then the first thought was, wait a
10 minute, we're not supposed to be in the glaciers until my
11 watch. And I was like, "Ok, well we must have hit an iceberg,"
12 then I was like, "No, it's still going on, we didn't hit an
13 iceberg," so I got out of my rack, ran into the hallway to look
14 what was going on the -- the watertight door into the bow
15 pressure room is always shut, so I didn't see any -- see
16 anything obvious then. No rushing water. I closed the
17 emergency watertight door, or I closed the watertight door, I
18 yelled down the passageway, "Close the watertight doors," ran
19 back into my room, and that's when I heard Captain Orgain come
20 over the -- over the YMC -- I mean the PA system to announce
21 that it was an emergency, and all crew get above the water
22 line.

23 Q. Okay.

24 A. I grabbed -- started putting on clothes, anything I
25 -- I could find, that was handy. I grabbed three jackets, a

1 couple of wool caps, and a lifejacket, and ran to the bridge.

2 Q. What happened then?

3 A. As I was running to the bridge, I passed a couple of
4 passengers asking, "What's going on?" I got to the bridge --
5 there was two hotel staff already on the bridge. Hurdy (ph.)
6 was there, and the gift shop attendant, I'm horrible with
7 names, but the gift the shop attendant. They were already
8 there, taking -- taking log notes. I don't know how they beat
9 me, but they beat me up there. It's kind of a little bit of
10 confusion going on. Captain was on the radio at the time, he
11 was also -- he made an announcement to the passengers that we
12 had had a -- had had a grounding, and please remain calm, and
13 informed them later. He was also on the radio with the Coast
14 Guard at the time. The Third Mate was still there, but he was
15 kind of ash white, and kind of in shock, so -- I immediately
16 turned off the alarms, I just started acknowledging alarms,
17 make sure that there wasn't anything that -- no fires or
18 flooding alarms that were immediate, acknowledged alarms. Most
19 of them were because we had lifted so much, (inaudible) eye
20 levels that I can remember.

21 Q. And then -- so, where did you go from there? Was a
22 station bell --

23 A. It was just the Captain on the bridge, outside of me.

24 Q. So you stayed there --

25 A. I never left.

1 Q. How long before you -- the first vessel came to
2 assist you?

3 A. I don't recall exactly, but I want to say there was a
4 vessel very close, immediately. But when I got there, I
5 believe I saw a fishing vessel in the vicinity, because you see
6 it. (inaudible)

7 Q. Can you tell me when you left the bridge, what the
8 radar settings would be at? What range it was set at?

9 A. Well, the new radars, I don't recall exactly what the
10 radar was set at. Normally we -- we operate in a Heads Up
11 Display almost entirely, which is what I'm comfortable life,
12 and I know Mike Milkey (ph.) and Mike Chase operate in that as
13 well.

14 Q. (inaudible)

15 A. True motion is -- yeah, it's where I -- where I
16 prefer to keep it.

17 Q. Okay. And the ECDIS? Any settings on that, or if it
18 was -- any range? (inaudible)

19 UNIDENTIFIED SPEAKER: No reason to have aerial
20 photos.

21 BY MR. TURRELL:

22 Q. When you're on the bridge, what's your normal routine
23 for giving orders to the AB for making port changes? How do
24 you tell the AB to make changes?

25 A. I prefer to give headings.

1 Q. Headings?

2 A. Headings. Unless it's a large course change, then
3 I'll give it in degrees a minute. Pump it up from, you know --
4 we operate -- we try to operate in 10 degree -- 10 degrees per
5 minute, and so it'll take orders to increase it to 20.

6 Q. So 20 is sort of the max for change (inaudible)

7 A. No. No. 30 would be the max. A sharp -- a sharp
8 turn in a short amount of time. This turn, if I were to take
9 this on the autopilot, which it's not recommended, I would do
10 it at 30 degrees a minute.

11 Q. You said it's not recommended --

12 A. That's a sharp turn. I prefer to do that (inaudible)
13 -- coming from the -- coming from the west, you could come down
14 here and line it up, and it would be perfect (inaudible)
15 highway.

16 Q. So -- did -- did you tell him to go (inaudible) for
17 sharp turns, is that --

18 A. Sharp turns, yeah, we'll have much more control
19 (inaudible) -- you get -- amazing amount of control, and you
20 might as well use it.

21 Q. (inaudible) you would have -- end up making the same
22 turn, how many times have you done it on this ship before? Or
23 some other time you'd use hand steering.

24 A. No, coming from the west, and as high as we were, I
25 would have stayed.

1 Q. Have you made this trip before the turn?

2 A. Yes. I've made the trip before, but I don't recall
3 if I was on the watch during this. I do know for a fact that
4 we were coming back, I did have this going up, so I've actually
5 steered -- or gone by that island before.

6 Q. I'm going to turn over to Mr. Pursuis for a moment.
7 (inaudible).

8 BY MR. PURSUIS

9 Q. You've already answered a bunch of questions. You
10 said your main job during emergencies is up on the bridge.

11 A. Yes.

12 Q. Was there any other -- and what exactly were you
13 doing the whole time you were up there, in terms (inaudible)?

14 A. Talking to Tammy (ph.) on the telephone.

15 Q. Tammy is --

16 A. Tammy is our vice-president. Director of Nautical
17 Ops. I was answering alarms, and any radio communications that
18 the Captain -- the Captain was talking to the Coast Guard,
19 somebody called on channel 13, I answered them, tried to take
20 some of the heat off of his back a little bit.

21 Q. When did you decide to get all the passengers off the
22 ship? Or who made the decision?

23 A. The Captain did.

24 Q. Okay.

25 A. The Captain makes that decision.

1 Q. Okay. How long into the event was that decision
2 made?

3 A. I don't know. I know that when I came up, it was
4 very soon after, within a maximum of a half-hour, he decided to
5 -- to start inflating life rafts, just as a precaution, and --
6 but the -- the order had not been given to abandon ship yet.

7 Q. Do you remember who you spoke on the radio with,
8 other than Tammy?

9 A. On the radio, it was purely fishing vessels that were
10 -- that we were communicating with. See if anybody would come
11 alongside. Like I said -- the majority of communications, the
12 Captain was making. If he was on the radio with the Coast
13 Guard, and somebody contacted us on the other -- on another
14 channel, then I would field those calls.

15 Q. Do you remember what vessels were in the area that
16 were assisting? What fishing vessels?

17 A. No. No. I -- no.

18 Q. Was there any sort of training program on the -- on
19 the vessel when you started working for the company?

20 A. Yes.

21 Q. What -- what was that?

22 A. Well, for the first four trips, I stood with Yeoman
23 Taylor (ph.), stood watching even the Second Mate on board
24 here, he's now on the Contessa as, I'm not sure what position,
25 Chief Mate? He's now Chief Mate on the Contessa, and he -- he

1 -- I shadowed him for the first two trips, to the last few
2 trips he sat back and just observed, made recommendations if I
3 -- if he felt that though I wasn't doing something appropriate.

4 Q. How long were those -- so that, that -- the first two
5 trips were they individual? Where you were breaking in with
6 him?

7 A. It was actually almost the first four trips.

8 Q. And how long were those trips?

9 A. Seven days, each one.

10 Q. Was there any formal written qualification standards
11 that you had to have complete?

12 A. No. I completed CTUS in September.

13 Q. What about drills? Did you -- were they -- were --
14 was it a requirement for you to take part in drills, lead
15 drills --

16 A. Yes. Short answer. We had drills, we have drills
17 every week. On the river, it was when we'd go up, when we --
18 we offloaded passengers to this place called (inaudible) Villa,
19 and then go to -- Tri-Cities area, take them back on to almost
20 the entire day when it was for transitting, when there's no
21 passengers on board, so it's a great day to actually do fire
22 drills, one up front, the other's (inaudible).

23 Q. How comfortable did you feel handing off the watch to
24 Third -- Third Mate.

25 A. I've been doing this for almost 11 years. I mean, I

1 did most anything.

2 Q. Well, as far as --

3 A. I'm sorry, I don't mean to sound cocky, but I -- I
4 know I felt that he was anxious, but I didn't feel like he was
5 scared, and, I mean, I knew it was his very first watch ever,
6 but everybody has a first watch.

7 Q. Okay.

8 A. I did tell him that -- I know that -- I know that I
9 told him, if you'd like me to stay, I'll stick around. I'm
10 only a phone call away. If there's something that you're not
11 sure of, and you'd rather call somebody, and not wake up the
12 Captain, call me. I -- I can answer any small questions you
13 have.

14 Q. Questions?

15 A. It's assumed that everyone knows that in an
16 emergency, you call the Captain first, but if it was like,
17 "Hey, how do I do this" or something, he could always call me.

18 Q. (inaudible) Who accounted for passengers when you
19 sent everybody (inaudible) muster stations, how was that being
20 taken care of?

21 A. That's part of the housekeepers -- take muster at all
22 the muster stations. They also go room to room and they have a
23 -- a search method, if you will, because in emergencies in the
24 past, they get people getting under beds and in the shower, you
25 never know what someone's going to do when they're scared. So

1 they actually go into the rooms, and then they put a big X on
2 the doors that they go by to make sure that nobody's in a
3 closet, or a shower, or hiding otherwise.

4 Q. Who do they report that to?

5 A. Once they are sure all the passengers are at the
6 muster station, have made an accountability check, they report
7 to the bridge that all are present and accounted for.

8 Q. And was that completed?

9 A. Yes.

10 Q. Was that logged?

11 A. The two ladies that were up on the bridge were taking
12 all his notes, so yes, I assume that -- she was doing -- I
13 mean, she was writing non-stop, so I assume yes.

14 Q. And do you know if passengers were counted as they
15 left to go on to whatever various vessels there --

16 A. They were counted, the very first fishing boat came
17 alongside and took 33 passengers. We knew we had 33 passengers
18 -- or 30 passengers and 3 crew members, but we failed to get
19 their names originally. After that, we -- we started
20 collecting names of people who were left. We called the
21 fishing vessel and asked them to get a -- accurate first and
22 last names. I believe the Coast Guard called them as well.

23 Q. And where is that information? How is that -- in the
24 log, is that what --

25 A. Of who went ashore? Or, I'm sorry, who went on the

1 fishing vessels?

2 Q. Yeah, or any central barge, wherever they went.

3 A. That wasn't something that we were really concerning
4 ourselves with at that time. It's written down somewhere, I
5 would assume. (inaudible).

6 Q. That's all I've got. Harry?

7 BY MR. STRAUCH:

8 Q. You've done it before, turning over a watch to
9 someone who's it's their first watch?

10 A. I can't say that I have.

11 Q. Oh, okay. You said you'd been doing this for 11
12 years, and (inaudible) long, turning the watch over to the
13 Third Mate?

14 A. Other than -- I mean, I know my first watch, I was
15 scared, but he didn't seem overly confident or overly scared.
16 Just the -- the first time you'd been able to drive -- first
17 time you drove your car with -- with a driver's license, with
18 no one in the car.

19 Q. Yes, and going back out. Do you remember your first
20 watch?

21 A. Yes.

22 Q. Where was it?

23 A. I was on a research vessel leaving Anacortes,
24 Washington, and we -- was going straight to Wannapuka.

25 Q. Daytime, or nighttime?

1 A. Nighttime.

2 Q. What ship was this?

3 A. The U.S.M.S. Victorious.

4 MR. WILHELM: So it didn't go down?

5 MR. STAPLES: No, it's okay. He was Chief Mate
6 before, the same guy, you know?

7 BY MR. STRAUCH:

8 Q. How did you know when he first -- took the first
9 watch?

10 A. It wasn't a secret. His license, I think, was dated
11 (inaudible).

12 Q. Oh. Well. And what did he say when you offered to
13 stick around?

14 A. "I appreciate it." You know. He didn't -- he didn't
15 ask me to stay. Or I mean, obviously, I would have. I had
16 plenty of sleep.

17 Q. You had what?

18 A. I had had plenty of sleep.

19 Q. How do you consider those -- the route that he was
20 taking, in terms of passage (inaudible)?

21 A. I'm sorry -- it was wide open ocean. There's nothing
22 he could have hit. Except that rock. I feel as though I'm not
23 going to -- I'm not going to make judgment, but it was like the
24 perfect watch.

25 Q. That rock that he hit, that was the only real hazard

1 that was there?

2 A. Yes. I mean, everything's highlighted. That's the
3 chart we've been using for at least two -- two seasons, now.
4 Everything is actually highlighted that could possibly be a
5 danger.

6 Q. Now once you got past that, wide open?

7 A. Yes, sir.

8 Q. All right. You think in hindsight, you would have
9 stayed up here until he passed around the rock?

10 A. Yeah. Well, I mean, that was almost midway through
11 his watch. Almost two hours into when he took over the watch,
12 and so -- do I think, and I really don't want to make that
13 accusation, but everybody has a first watch, and nobody helped
14 me (inaudible).

15 Q. Okay. (inaudible)

16 A. Are you asking my opinion, sir?

17 Q. Yes.

18 A. Yes, he spent four years there in the military -- or,
19 in a maritime school. What else did he do when he was there?
20 That's the training, not to go as far as mandated, the
21 training, that's -- you're qualified.

22 Q. Yeah, but then you said the training you got on this
23 company, these four seven-day trips, two of which you were --

24 A. It's not normal. It's not normal. It's something
25 they went above and beyond on, to make sure that I was very

1 comfortable with this ship.

2 Q. And when you --

3 A. It's not normal.

4 Q. When you did this, how much experience had you had
5 (inaudible)?

6 A. I've been going to sea now since -- well, actually, I
7 worked on sideposts when I was in high school, so I've been
8 going to sea for quite literally since I was 16.

9 Q. Did the Captain say anything to you at a point about
10 maybe now we're not experienced enough to watch (inaudible)?

11 A. Yes, sir, we had discussed it.

12 Q. And what did he say?

13 A. We had agreed that it was an easy watch, much easier
14 than Snake River or the Columbia River, even, and one, two,
15 three -- three course changes, fairly easy. I mean, seriously,
16 I'm sorry, but we had discussed it, we did discuss that he
17 would take over the watch at Point A and probably be relieved
18 at Point B, and I -- the Captain did discuss the turnover, the
19 -- after turnover, to let him know that, "Hey, if he doesn't
20 feel comfortable, then, you know, take the island wide."

21 Q. And you know -- Jack Hansley (ph.) was on the wheel
22 at that time. How would you characterize his performance up to
23 this point?

24 A. Exemplary. Probably the -- one of the best ABs that
25 I have come across. He -- the week prior, he spent four, maybe

1 five hours trying to save a gentleman's life. He was a -- he
2 was a nurse before he came over here. I have nothing negative
3 to say about Ben. And a professional, too.

4 Q. When we were speaking earlier this morning, he
5 characterizes his role at the helm as one of taking orders.

6 A. Sorry (inaudible) -- he doesn't know that we have a
7 (inaudible) -- ask your questions, I'm sorry.

8 Q. How would you state his role? At the helm, you know,
9 standing next to the deck (inaudible) --

10 A. You take your orders.

11 Q. And Ben gives you them?

12 A. No sir, Marino gives the orders.

13 Q. I'm sorry.

14 A. Ben takes orders. Yes, sir.

15 Q. And that's -- that's your understanding of --

16 A. Yes.

17 Q. -- your expectations (inaudible)

18 A. Yes, sir.

19 Q. Did you expect Ben to have spoken up if he thought
20 it --

21 A. That was why we had Ben. Ben normally doesn't stand
22 that watch; he was, I believe, at 3:00 in the afternoon, he had
23 told him to go to bed, come up to stand watch with Marino,
24 because he is the best AB, he knows the ship very well. I know
25 he's been here at least a year, maybe longer. He knows the

1 ship very well, and he's comfortable steering. So we put the
2 most experienced AB we had on the bridge to help guide him.

3 Q. How would he guide him?

4 A. I mean, if it was me, he would maybe give
5 suggestions. Now, for instance, if you're going to do those
6 turns, if it's a big turn, you may want to increase the turns -
7 - or the rotations per minute to 30. Maybe if he wasn't
8 familiar, I --

9 Q. (inaudible) just following orders (inaudible) --

10 A. His first duty is to take orders. But we asked him
11 to go above and beyond, and give suggestions, help.

12 Q. You simply ask him to do that?

13 A. Yes, sir.

14 Q. (inaudible)

15 A. Captain (inaudible).

16 Q. So the Captain saw his role as (inaudible), not just
17 following orders, but also giving (inaudible).

18 A. Yes, sir.

19 Q. Did you like Kings Point?

20 A. No.

21 Q. Why?

22 A. Anybody else here go there?

23 UNIDENTIFIED SPEAKER: Yeah.

24 MR. STAPLES: Did you like it?

25 UNIDENTIFIED SPEAKER: No (inaudible).

1 MR. STAPLES: Nobody likes going to Kings Point. You
2 do it, graduate, and you move on.

3 BY MR. STRAUCH:

4 Q. What made you go to Kings Point?

5 A. I was lucky. I just happened to -- a Congressman
6 came through my mom's office one day, and pledged my mom, and
7 now she handles his business, and -- I didn't have the grades
8 to go to the Naval Academy, and he said, "Well, how do you like
9 the Merchant Marine Academy?" I knew nothing about it, and --
10 except that it was outside New York City, and you only spent
11 three years there. I was like, "Hey, it sounds great to me."

12 Q. Yeah.

13 A. But as far as, did I like it in a professional sense?
14 Yes. It was -- it prepared me for life, it prepared me for
15 being a mariner.

16 Q. And at this point, when you went there, you hadn't
17 considered a career in the Merchant Marines?

18 A. I wanted to be a Navy Seal, from high school on, I
19 wanted to be a Navy Seal. And that was -- that was a way to go
20 (inaudible).

21 Q. (inaudible)

22 A. DOD. I broke my leg before I went to (inaudible).

23 Q. All right, thank you. Chris?

24 BY MR. JULIUS:

25 Q. I just have a couple of questions. Were there any

1 problems on the bridge, any equipment, any (inaudible), any
2 squawks, any equipment --

3 A. The air conditioner wasn't working.

4 Q. And during the standing of your job as deck officer,
5 who do you answer to?

6 A. The Captain.

7 Q. And would the Third Mate also answer to the Captain?

8 A. First and foremost rule, you answer to the Captain.

9 Q. So, in your communication with the Captain, was it
10 pretty clear as to who to call with any questions or problems?

11 A. I've never in my life had any problem with calling,
12 especially a Captain (inaudible).

13 Q. This particular Captain, was there any issue --

14 A. Probably more -- I probably feel more open coming to
15 him about things than any Captain I've ever had. Or I feel
16 more at ease.

17 Q. In general, your characterization of the crew -- list
18 the Captain as a very receptive individual to questions, or
19 comments, or --

20 A. Very professional, but very open.

21 MR. TURRELL: Danielle Orchard (ph.), she's -- just
22 her?

23 BY LT. BRIERLEY OSTRANDER:

24 Q. I have a question about the two track lines. Why are
25 there two, and how do you (inaudible)?

1 A. Well, this --

2 Q. This one is just going around (inaudible).

3 A. The actual track lines they view on the Nobeltec, the
4 south -- the southern track line -- depends on where we're
5 going. The southern track line comes from Point Adolphus,
6 where we watched whales, so the -- the track line here, the 291
7 track line, is actually coming from Point Adolphus because
8 we're south in the bay there, or the channel. The northbound
9 track line, course 314, is actually going to Bartlett Bay (ph.)
10 to pick up our rangers.

11 Q. But I'm - I'm - I'm saying specifically about
12 (inaudible) -- you can cut across here, or go around here.

13 A. Okay. On this track line, the one that was written
14 -- or drawn down before I arrived was to take the island to the
15 south, the safest way. This track line here had been -- the
16 Chief Mate Mike Mulkey had told me that this was a totally safe
17 route, and it kind of cuts a corner, and there's nothing but --
18 I mean, it's a half-mile. With the Mates' experience here, a
19 half-mile is, if you will, nothing but net. It's -- it's --
20 it's perfect. It's more than we normally have on the Snake
21 River, so it's never even a -- an issue. And -- coming from
22 BC, I wouldn't say that. To come in from the river, we're well
23 trained in this. So the -- this corresponding 265 is actually
24 the track that you would take on a normal -- as far as I know,
25 the vessel has never actually gone south of the island.

1 Q. And are both of these options in Nobeltec?

2 A. In Nobeltec, the track line laid down is actually
3 265.

4 Q. So it doesn't even have the south one --

5 A. No. No.

6 Q. The other question is, if you're on watch with Ben,
7 how much autonomy do you give him, (inaudible) direction do you
8 give him?

9 A. More than I would any other AB I've ever experienced.
10 I trust him a lot.

11 Q. What -- if you were making this turn, what kind of
12 orders would you give him?

13 A. As far as orders, I would probably give observation.
14 I would be standing next to him, watching -- I mean, me,
15 personally, I can't answer for anyone else, but I would have
16 been standing there, watching, making sure that if he did put
17 it in hand, that we maintained at least a 30 degree per minute
18 turn, or if he decided to use it on the autopilot, that he
19 would have bumped it up to a 30 degrees per minute.

20 Q. But basically, you're saying you would leave the
21 turning up to him, and you'd just serve -- observation --

22 A. Well, I'm not there for observation. It's my watch.

23 Q. Yeah.

24 A. But I give him a lot more autonomy than I've ever
25 given any AB before. I've seen him work, I trust him --

1 Q. Okay.

2 A. -- but it's still my responsibility.

3 Q. Okay. I guess what I'm asking is, would you -- you
4 don't need to give him step-by-step directions?

5 A. No. I don't feel as though I have to hold his hand.

6 Q. I got the impression that you were part of the
7 decision-making process of putting Marino on this watch.

8 A. No, I was not.

9 Q. Oh. The ways that we --

10 A. I'm sorry. I don't -- I had nothing to do with
11 making the decision. If I was Captain, I would have made the
12 same decision, probably, though.

13 Q. That's all I've got.

14 BY MR. TURRELL:

15 Q. Just to clarify, who entered the Nobeltec info -- who
16 modified the track, who's authorized to change the Nobeltec?

17 A. The tracks that were entered in before I was -- I
18 came here --

19 Q. Do you know who is authorized -- who is -- would
20 normally be authorized to make changes to Nobeltec?

21 A. Generally the Second Mate. And I know (inaudible).

22 Q. Okay.

23 A. Exactly. Well, it's the Second Mate's choice -- it's
24 the Second Mate's job.

25 Q. What other collateral duties do you have, besides

1 watch standing?

2 A. I'm also the security deck, the security officer.

3 Q. And how many hours a day does that take out of your
4 time?

5 A. Two to three, at the most. When we pull into port,
6 we also do a declaration of understanding with the -- or a
7 declaration of security with all the ports. But once -- those
8 are good for 90 days, so once we do it, it's done. That day in
9 Skagway, I had had a meeting with all the deck crew about --
10 because we had a high turnover, we had a meeting of their
11 responsibilities as far as security and gangway duties.

12 BY LIAM LARUE:

13 Q. Are there written emergency procedures on board the
14 ship?

15 A. Yes.

16 Q. Where are those located?

17 A. They're in the SMS manual, which is --

18 Q. Where would I find it?

19 A. That's on the bridge, in the bookshelf.

20 Q. When you get to the ship, is there a requirement to
21 become familiar with that?

22 A. Yes.

23 Q. Okay. What other documents?

24 A. Well, the -- every crewmember is a -- is required
25 within 24 hours of coming aboard to go through that

1 familiarization. As an officer, I never saw it documented,
2 whether it was or not, it's just prudent -- the first thing you
3 do is, you read manuals.

4 Q. What's involved in that familiarization?

5 A. Emergency procedures, familiarization with your
6 duties -- with your watch stations. They go through all the
7 life rafts and how to deploy them.

8 Q. And you said you don't know if that's documented?

9 A. No, that is documented.

10 Q. Where would that be documented?

11 A. First Officer's office.

12 Q. First Officer's office?

13 A. Yes.

14 Q. And how is that communicated to you? Who told you to
15 get -- to do that when you came to the ship?

16 A. That's a requirement on every ship. It's actually
17 (inaudible) -- and so, with them, I believe it's 24 hours of
18 coming aboard, you're required to go through that initial
19 training, and they -- onboard the Empress of the North, the ABs
20 generally get the walk-around -- the walk-around tour. Mr.
21 French is also one of those ABs that performs (inaudible).

22 Q. Barry?

23 BY BARRY STRAUCH:

24 Q. You said when you first got on the vessel, the first
25 vessel of this company, you had four weeks of on-job training,

1 for lack of a better word?

2 A. Yes, sir.

3 Q. Okay. At the end of that training, what did you feel
4 -- you gained something that you didn't have when you first
5 came on board the vessel? (inaudible)

6 A. The biggest thing was the D Drives. It's taking D
7 Drives, it's taken everything I've learned at Kings Point,
8 sailing on the big ships, and, if you will, throwing it out the
9 window. D Drives are very new to me. And it's -- I mean, it's
10 -- the ship does much more than I've ever done with any ship
11 before. The fact that I can stop it in a flank, I can turn it
12 on a dime -- you don't do that with -- with a propeller and a
13 rudder. So I had a much more -- greater understand of what the
14 ship is capable of doing.

15 Q. And when you came aboard, how familiar were you with
16 things like -- ECDIS?

17 A. ECDIS?

18 Q. Yes.

19 A. I was very familiar with ECDIS.

20 Q. And where did you gain that familiarity?

21 A. ECDIS actually came about just before I left Kings
22 Point, and on the LMSRs, we actually had very good systems
23 there as well.

24 Q. (inaudible)

25 A. Yes. I actually interviewed for a job with Northrop

1 Grumman to teach their ECDIS system a few years ago.

2 Q. Now let's say someone had never had experience
3 working with ECDIS, and -- what would you have told them before
4 you come on watch?

5 A. Under the IMO regulations, they would never have
6 gotten a license.

7 Q. They would have had to know something --

8 A. That's a basic knowledge to get a license.

9 Q. Would you -- looking back, if you had taken the
10 watch, on your first or second day on the vessel, before you'd
11 had those four weeks of training, how different would it have
12 been, or having taken this training versus (inaudible) --

13 A. I don't really think I understand the question.

14 Q. How effective were those four weeks of training? And
15 would it have changed your performance?

16 A. If I hadn't had the --

17 Q. Yes. If you had gone on watch immediately before
18 having taken the four weeks of training, versus how you
19 actually did it -- (inaudible) --

20 A. I think it is speculating. I mean, I'm confident,
21 without being cocky, but -- to be quite honest, when I got done
22 the four weeks of training, I was like, "All right, it's on."
23 You know, I know how to sail the ship. So at the time, when I
24 was going through it, I was like, "All right, let me take it."
25 You know, I really was anxious to get into it. It just allowed

1 me to gain a lot of (inaudible) familiarities, I felt a lot
2 more comfortable with this ship when I did go through training.
3 Had I not had it, I think (inaudible).

4 Q. What about scenarios? Did you gain any experience
5 with the route? Or were you already familiar with the route?

6 A. The route here in Alaska, or on the river?

7 Q. Wherever you operate.

8 A. Well, on the river, it was key on the river, because
9 we have so many calling points. Each watch, you have maybe
10 four or more calling points, and turns that don't go over
11 there, that's not mud, that's real rocks. So that was a big
12 part of that training, knowing -- getting to know the river,
13 not necessarily pilotage knowledge, but very familiar with the
14 river as well. This is only my second time up here -- or, I'm
15 sorry, my second week up here. So this is a new experience for
16 me as well. But, if you look at the chart, to run aground, you
17 would almost have to hit a cliff here, for the most part. When
18 you're driving, when you're going along, it's -- I'm looking at
19 the lowest depth of -- or the shallowest depth of 76 fathoms.
20 It's not any -- nothing's concerning. It's almost deep ocean.

21 Q. You said that, if you had to do it over again, even
22 though you weren't involved in this decision, you would make
23 the same decision the Captain did, and turn the watch to Marino
24 (inaudible) --

25 A. Did I say it that way?

1 Q. I don't remember specifically, but you said you would
2 make the same decision.

3 A. If I was in the Captain's shoes, I would have made
4 the same decision.

5 Q. And why is that?

6 A. Because you'd spent four years learning your job.
7 You're qualified. The Coast Guard is -- The Coast Guard and
8 the U.S. Government say you are qualified to stand this watch.
9 There's no -- there's no reason for anyone in my position to
10 (inaudible).

11 Q. All right, thank you.

12 MR. TURRELL: Tim?

13 BY MR. FARLEY:

14 Q. Who makes the (inaudible)?

15 A. Yes, sir. These track lines are used a lot, and when
16 you're using dividers, they pierce holes -- they take a while
17 -- to the Second Mate, when they get to a port, that's the way
18 it's done, to erase the -- to erase the pencil markings without
19 damaging the actual track line. And then they also, when you
20 put -- fold it in with the dividers, you use the dividers to
21 mark the hole (inaudible).

22 Q. All right. So as you take on that 265 line, that's
23 (inaudible)

24 A. The one that's written in pencil?

25 Q. Yes. Do you know who put that line in there?

1 A. I do not.

2 Q. You don't know whose handwriting that is?

3 A. No, sir.

4 Q. Okay. Are you involved in the voyage planning
5 process?

6 A. Voyage planning is my responsibility.

7 Q. Okay, and (inaudible) track lines, would that be part
8 of planning?

9 A. Yes, sir.

10 Q. And do you have some of those true shore voyage
11 plans?

12 A. No.

13 Q. Uh-huh, and how was that -- transpired, how were you
14 (inaudible).

15 A. Once I do that week's voyage plan, the week before, I
16 let the Captain know, and it's on the bridge. There's no
17 reason for me to change the voyage plan from one week to the
18 next, unless the Captain gives me notice that, "Hey, we're
19 going -- we're doing something different," then I'll change the
20 voyage plan accordingly.

21 Q. Any reason that you can think of, why you would offer
22 options in a voyage plan? Optional courses, optional tracks?

23 A. There are reasons, but none that I've ever
24 experienced on board here. I mean, there's no reason to pull
25 up tides and currents for this area, because it's such a wide

1 area, really wouldn't affect us that much.

2 Q. What are the tidal ranges here?

3 A. Depends on where you are, sir.

4 Q. Okay, let's say right there. On that point, right
5 there. Or in Juneau. What's the tidal range there?

6 A. I believe it's around 20 feet.

7 Q. Twenty feet, up? And what would the expected current
8 be if it was running back (inaudible)?

9 A. I can't guess without looking -- without looking it
10 up, I can't judge. This area, I wouldn't assume a wide
11 (inaudible) tide function. Wrangell Narrows, yes. Wrangell
12 Narrows, we actually print out -- we print out the currents for
13 Wrangell Narrows, and there's another (inaudible) that we go
14 through, that I used to print out currents for that area.

15 Q. Was there any type of current that was -- data
16 unavailable, was it made unwatchable, this area?

17 A. Yes, sir. He could easily go on the computer, pull
18 that out if he felt the need. There's nothing on the chart to
19 indicate that there's anything of interest. If there's a tidal
20 or an eddy currents or something that could cause problems for
21 a mariner, the charts will note it, and it will have lines and
22 arrows pointing the intensity and the direction of the major
23 current for that area. There's nothing on this chart to
24 indicate that.

25 Q. (inaudible) You would have tidal current indicators

1 on this type of chart, or a pilot chart?

2 A. I'm not saying that they'll -- more piloter's charts,
3 but I'm not saying they're -- I'm not saying they're going to
4 give you what the tide is at that time, the current will be at
5 that time, but if there's like an eddy in a certain area, and
6 there's something to be concerned about, and --

7 Q. As part of your voyage planning, do you have tidal
8 information available, for your supposed ETA at Glacier Bay, or
9 ETA at Juneau, or wherever you're going to go? Do you print
10 that out as part of your --

11 A. Yes. Yes.

12 Q. Is there a way (inaudible) -- even without breaking
13 out the books up in the wheelhouse, that you would know the
14 tidal information in your location?

15 A. Yes, sir.

16 Q. And what would that be?

17 A. There's a GPS on the bridge that'll give you, for
18 your location, the tidal ranges.

19 Q. It's at the chart table?

20 A. Yes.

21 Q. Okay. And you have a visual -- you have an
22 understanding if it's (inaudible).

23 A. Correct.

24 MR. WILHELM: Eventually Nobeltec (inaudible) is a
25 separate GPS system.

1 MR. STAPLES: It is an option, but it's never turned
2 on. It actually puts a big red line, and kind of adds clutter.

3 BY MR. FARLEY

4 Q. Is it possible -- is there a way after this, if we
5 have time, or maybe tomorrow, that we could actually see that
6 on the Nobeltec?

7 UNIDENTIFIED SPEAKER: When we're up there with the
8 Third Mate. I'd say we were unable to understand, we weren't
9 going to manipulate the equipment at this point.

10 MR. TURRELL: Get in here tomorrow, we'll set up some
11 time, we'll show this on the bridge equipment.

12 BY MR. FARLEY:

13 Q. Now when you're running the autopilot, is that on a
14 track, or a course?

15 A. Course.

16 Q. It's a course. When you're running courses, is there
17 a distance off-track that you become concerned about, or, you
18 know, you're running down, (inaudible), you have a variance in
19 your (inaudible), but is there an allowance or a maximum
20 allowance in your orders or policy?

21 A. No.

22 Q. Regard that, the 265 track line inside that rock
23 island, like -- could you tell me, approximately, the distance
24 off that track line is to that reef -- or to that marker, or
25 hazard? Can you tell, without dividers? I don't --

1 A. Maybe a quarter-mile?

2 Q. Quarter-mile?

3 A. It's a half-mile from the nearest rock to the island.

4 Q. Okay. Now in your experience, on the Columbia River,
5 (inaudible) similar, you stated that you were comfortable with
6 that.

7 A. Yes, sir.

8 Q. You had resource management, I'm sure, at the
9 Academy, you were --

10 A. It's a requirement at the Academy.

11 Q. That voyage planning, it's a quarter-mile off the
12 hazard, did training consider it a problem?

13 A. If I was in the open ocean, yeah, it would be a -- it
14 would be a problem. I mean, I wouldn't lay the voyage plan
15 like that if I was in the open ocean, but these mariners here
16 are top-notch.

17 Q. Okay. Now earlier, I do recall, you did say there
18 was a safer route. Is that right?

19 A. Yes, sir.

20 Q. Okay, what would that be?

21 A. To go south of the island.

22 Q. South of the island. And why was that deemed safer?

23 A. There was fog. Any atmospheric conditions that, you
24 know, if I couldn't see the rock, I didn't feel comfortable,
25 the radar wasn't operating properly -- nothing out of the

1 ordinary or anything.

2 Q. So I'm the voyage planner. What is the (inaudible)
3 for that area, down there. Is it that point south of the rock,
4 or is it (inaudible)?

5 A. The voyage plan is in the GPS, or in --

6 Q. Whatever the -- approved voyage plan you have, what
7 is the track line?

8 A. The track line that's in the Nobeltec goes between
9 the island and the land.

10 Q. And that was approved by the Captain?

11 A. Yes.

12 Q. Gyro error. Did you -- how do you determine that,
13 and how often do you determine that?

14 A. I haven't.

15 Q. Has there been a problem (inaudible) gyro --

16 A. No, there's never been a problem. There's never been
17 an indication. Gyro is always matched up with the GPS.
18 There's never been a (inaudible).

19 Q. But how would you let them see (inaudible) detect
20 gyro error?

21 A. I would take (inaudible).

22 Q. Any easy methods to check that? Gyro error?

23 A. Rangers.

24 Q. Are there any around here? (inaudible)

25 A. Not (inaudible)

1 Q. As far as the particulars in this vessel, forward
2 house, 300 feet long --

3 A. Three-fifty.

4 Q. When you're maneuvering by buoys, and you're
5 attempting a course change, does any peculiarity for you --
6 with a pencil (inaudible) this particular layout, as far as
7 preventing you (inaudible) course change? To this point, those
8 types of things --

9 A. To the point, worry about where you're standing
10 (inaudible) just slightly after (inaudible) stand.

11 Q. So, all right. I think that's it for me. Thank you.

12 MR. TURRELL: Paul?

13 BY MR. WEBB:

14 Q. (inaudible) whatever (inaudible) -- the end of your
15 watch -- you say when you graduated (inaudible) -- directly
16 into the Navy?

17 A. Yes, sir.

18 Q. When you went into the Navy -- you got on board a
19 ship right away?

20 A. Yes, sir.

21 Q. And you were a deck officer there?

22 A. Actually, yes, sir, I was. I was on --

23 Q. How long did it take you (inaudible)

24 A. About nine months.

25 Q. Nine months?

1 A. Yeah.

2 Q. When you -- overseeing anything, (inaudible) did you
3 initiate -- do you make a call to initiate (inaudible) -- or
4 (inaudible)?

5 A. Not generally. Normally, on a normal deep sea --
6 ocean-going ship, they don't make (inaudible). If they did,
7 I'd smack them down pretty fast. They're -- because we're
8 making so many course changes, we're making a lot of course
9 changes regularly, it's more paying attention to what's going
10 on, making sure that they're making the course changes -- at a
11 regular time. To get back to your question about the Navy,
12 it's not just bridge (inaudible) -- you've got weapon systems,
13 damage control, there's a lot more involved than just standing
14 watch.

15 Q. All right. Okay. I put down -- how long did you say
16 it took to get qualified (inaudible)?

17 A. You go from JO W to JO -- sorry, OOW to OOD, depends
18 on how fast your Captain feels comfortable with you. You could
19 go from JOW to JOD -- or pardon me, Junior Officer of the Watch
20 to Officer of the Watch in a couple of months. In a couple of
21 months. But you got to -- you also understand, you're taking a
22 guy with a Bachelor's of English degree and trying to teach him
23 how to turn the ship. He didn't -- he didn't take somebody who
24 might have spent four years learning how to navigate.

25 Q. You went -- you went to the Merchant Marine Academy?

1 A. Yes, sir.

2 Q. And so you graduated there -- you came out with a
3 Bachelor's of English?

4 A. No. No, I had a -- the other Navy officers.

5 Q. The other Navy officers.

6 A. Navy officers have all the fun, because all they have
7 is a degree.

8 Q. But -- when you got on board the Navy ship, did you
9 feel comfortable that -- you were ready to be -- to navigate
10 that ship as the Battalion officer, the deck (inaudible) -- on
11 a Navy ship?

12 A. Yes, I felt comfortable. Would I feel comfortable
13 with the guy standing next to me taking over? No, sir.

14 Q. (inaudible) Did you feel that confident? Since you
15 were breaking in, at what point did you say, "You know, I could
16 actually (inaudible)" --

17 A. When I stepped on board.

18 Q. When you stepped on board?

19 A. I had four years of training to get to that point.
20 The guy standing next to me with the Bachelor's of English
21 degree had no -- well, he had six months of Newport, Rhode
22 Island training. That doesn't cut it. There's a difference
23 there. Sorry, I just want to clarify that. The Navy is set up
24 for the lowest common denominator. I obviously felt as though
25 I was comfortable.

1 Q. Did you say -- what was your job in Iraq?

2 A. Bomb disposal.

3 Q. Bomb disposal. So -- did you enjoy that type of
4 work?

5 A. I love it.

6 Q. Do you consider yourself a risk averse person, or --

7 A. I felt at the time, (inaudible) by the Navy, being
8 assigned that job. So --

9 Q. Do you have any other hobbies? Like different types
10 of sports?

11 A. Yes, I do.

12 Q. What kind of things do you like to do?

13 A. Rock climbing, kayaking, sky diving.

14 Q. Okay. So --

15 A. I don't enjoy putting 238 people's lives in jeopardy.
16 There's -- there's a difference.

17 Q. I'm not --

18 A. Okay.

19 Q. I'm not saying it's --

20 A. I don't drive ships like I drive my car.

21 Q. On that note, Barry --

22 BY MR. STRAUCH:

23 Q. Because you have made the admission about driving
24 your car that way --

25 A. I drive a Subaru Forrester. It's not like --

1 Q. How many Third Mates have you (inaudible) experience?

2 I mean right out of school, and moving up --

3 A. I'm not sure that I've ever actually -- for the most
4 part, at least, been on one ship before.

5 Q. This is the first time you've really carried someone?

6 A. Yes.

7 Q. I have to ask you -- in your experience at Kings
8 Point (inaudible) in terms of what you were, you know,
9 (inaudible) on a ship, do you have the same confidence in
10 someone's knowing that they went to another maritime school
11 other than Kings Point?

12 A. Well, that's kind of -- no, Kings Point is the best.

13 Q. Every other school --

14 A. Yeah, I'm sorry, I mean -- they send people from all
15 over the world to go to Kings Point for a reason. All the
16 other schools are trying to catch up to us. I mean -- that's
17 the question (inaudible) -- but as far as, like, feeling that
18 any of them are less -- inferior, no. Anybody from -- I found
19 was excellent Captains, excellent Mates from all the other
20 schools.

21 Q. Okay. (inaudible) I'm not going to ask you about
22 the Navy, and all this other stuff. You told -- you told us
23 that Mike (inaudible), the Chief Mate --

24 A. Yes, sir.

25 Q. -- he was the person who mentioned that it's quite

1 all right to (inaudible) standing watch? (inaudible) could
2 have been Mike (inaudible) -- this was the first time you'd
3 actually (inaudible), right? So could that be Mike -- Mike
4 Mulkey's (inaudible)?

5 A. If you don't know him --

6 Q. Don't want you to speculate there --

7 A. No, I don't. The thing is, and Mike has worked out
8 in these waters for years, he knows these waters very well. He
9 is the one who told me that -- because I had the watch, and he
10 said, "If you don't feel comfortable, go south, if you feel
11 comfortable, go north."

12 Q. Yeah, okay. Yeah. Then, the second question I have
13 is, in your opinion, if you sail on a vessel with D drives, and
14 you are sailing a normal sailing mode on the autopilot, or if
15 the D drives are engaged (inaudible) in parallel --

16 A. Yes, sir.

17 Q. How different is sailing a D drive ship from
18 (inaudible)?

19 A. This may be far out there, but --

20 Q. No, no, no -- a normal --

21 A. -- it's like going from a tanker to a cigarette boat.
22 It's very maneuverable, and it's --

23 Q. What is the limitation of the D drives -- the normal
24 (inaudible) besides whether the angle -- your angle --

25 A. Limitations turn?

1 Q. Yeah. Can you -- can you, at any speed, override the
2 D drive (inaudible)?

3 A. Yes, you can. You can --

4 Q. You can --

5 A. -- yell that --

6 Q. -- lose power at all?

7 A. Not on the autopilot. On the autopilot, they operate
8 together.

9 Q. Okay.

10 A. But if I take it out of autopilot --

11 Q. Is that manual?

12 A. -- to a manual, yes, I can turn on -- 360 degrees
13 independent (inaudible)

14 Q. Okay. So on autopilot, then, when they're working in
15 parallel, (inaudible) shifting rudders?

16 A. Yes, sir. Very -- yes. Yes. To clarify, the only
17 time that the ship is operating in anything -- any different is
18 at slow speeds, when you're maneuvering. The fact that I can
19 hold it in a position for a long period of time, underway, I've
20 never seen anything different than any other vessel.

21 Q. Yes. Ship has (inaudible) positional capability?

22 A. No, it does not. But I know (inaudible) full speed
23 or stop, even on low speed (inaudible). We joke about that a
24 lot, actually.

25 MR. TURRELL: Anyone else besides Barry?

1 BY LT. BRIERLEY OSTRANDER:

2 Q. One last question. You were talking about -- because
3 you had been working up rivers, your level training is
4 elevated. Can you elaborate on that?

5 A. Operating in deep ocean, you may have one course
6 change a week -- well, a day. On the river here at Juneau, you
7 have one course change every ten minutes or more. So you're --
8 four hours of watch on the Snake River, you're come off
9 exhausted. You're alert the entire time, so you're learning a
10 lot. I feel as though I know more about seamanship -- the last
11 four months than I probably learned in the last five years.

12 MR. TURRELL: That's it? Paul?

13 MR. WEBB: No, sir.

14 MR. TURRELL: Yeah, I'm kind of giving you an
15 opportunity here to make any comments, suggestions, anything --
16 general observations you may have about the accident, an
17 opportunity to make any statement you'd like to make.

18 MR. STAPLES: I have no statement.

19 MR. TURRELL: If you'll just acknowledge that this is
20 being recorded, and we'll end the interview.

21 MR. STAPLES: This has been recorded.

22 MR. TURRELL: Thanks.

23 (Whereupon, the interview in the above-entitled
24 matter was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: The Investigation of
Empress of the North
Juneau, Alaska
Marine Accident
Interview of Kevin Staples

DOCKET NUMBER: DCA-07-MM-015

PLACE: Auke Bay, Alaska

DATE: May 15, 2007

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Matt Dycus
Transcriber